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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/571,880

11/03/2006

Herbert Wehler

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EXAMINER

STRIMBU, GREGORY J

ART UNIT

PAPER NUMBER

3634

MAIL DATE

DELIVERY MODE

09/01/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/571,880 | Applicant(s) WEHLER, HERBERT | |
| | Examiner GREGORY STRIMBU | Art Unit 3634 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1 and 14-22 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1 and 14-22 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 06 June 2011 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Drawings

The drawing changes submitted June 6, 2011 have been approved.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 22 is rejected under 35 U.S.C. 102(e) as being anticipated by Kobayashi et al. (US 2004/0003543). Kobayashi et al. discloses an energy guide chain system for a vehicle, the vehicle having a chassis B and a sliding door SD that can be moved between a closed position and an open position on the chassis, and the energy guide chain system comprises:

a carrier 30 connected to the sliding door; and

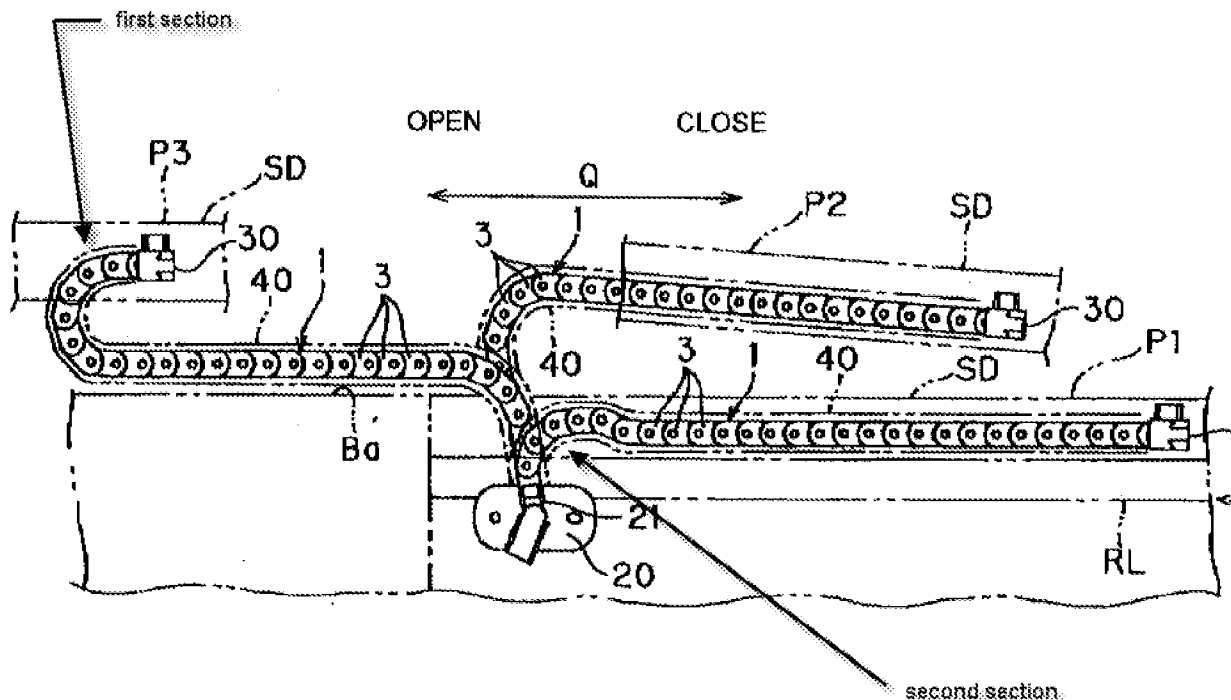
an energy guide chain 1 having:

a first end connected to the carrier 30 for movement with the sliding door

and a second end connected to the chassis at 21; and

a region (not numbered, but shown in figure 3) between the first end and the second end and the region bends in a single direction, and the region has a first section (labeled below) that defines a first radius of curvature when the sliding door is in the open position, and a second section (labeled below) that defines a second radius of curvature when the sliding door is in the closed position.

FIG. 3



Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 14, 15 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murofushi et al. (US 6492592) in view of Suzuki (US 6787702). Murofushi et al. discloses a sliding door system for a vehicle, wherein the vehicle has a

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chassis 8 and a sliding door 1 that is movable between a closed position and an open position on the chassis, and the sliding door system comprises:

a carrier 4 connected to the sliding door;

an energy guide 39 having a first end (not numbered, but shown in figure 2) directly connected to the carrier for movement with the sliding door and a second end 10 connected to the chassis; and

the energy guide includes a region 38 disposed between the first end and the second end, and the region adjusts and bends in a single direction as shown in figures 7-8 to define a first radius of curvature when the sliding door is in the closed position as shown in figure 7 and a second radius of curvature when the sliding door is in the open position as shown in figure 8, and the first radius of curvature is smaller than the second radius of curvature (**claim 1**);

the carrier 4 is joined to a central portion of the sliding door 1 as shown in figure 1 (**claim 14**);

the first end of the energy guide 39 and the second end 10 of the energy guide are spaced apart a first distance when the sliding door is in the open position as shown in figure 8 and are spaced apart a second distance when the sliding door is in the closed position as shown in figure 7, and the first distance is smaller than the second distance (**claim 15**);

wherein the energy guide 39 further comprises a first section (not numbered, but shown in figure 7) of the region in which the first radius of curvature is formed when the sliding door is in the closed position; and a second section (not numbered, but shown in

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figure 8) of the region in which the second radius of curvature is formed when the sliding door is in the open position, and wherein the first section has a length that is shorter than a length of the second section (**claims 19 and 20**). Murofushi et al. is silent concerning a chain.

However, Suzuki discloses a chain 1 for protecting electrical wiring 5.

It would have been obvious to one of ordinary skill in the art to provide Murofushi et al. with a chain, as taught by Suzuki, to provide increased protection for the electrical wiring.

Claim 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murofushi et al. in view of Suzuki as applied to claims 1, 14, 15 and 19-21 above.

Murofushi et al., as modified above, is silent concerning specific radii of curvature.

However, one of ordinary skill in the art is expected to routinely experiment with parameters so as to ascertain the optimum or workable ranges for a particular use. Accordingly, it would have been no more than an obvious matter of engineering design choice, as determined through routine experimentation and optimization, for one of ordinary skill to provide the ratio of the first radius of curvature in the closed position of the sliding door to the second radius of curvature in the open position of the sliding door is less than about 0.5.

Response to Arguments

Applicant's arguments filed June 6, 2011 have been fully considered but they are not persuasive.

The applicant's comments concerning claim 22 are not persuasive. The energy guide chain of Kobayashi et al. bends in a single direction as much as the applicant's energy guide chain bends in a single direction. Note that the bends of the energy guide chain of Kobayashi et al. are directed toward the right, i.e., the same direction, in figure 3.

The applicant's comments concerning claims 1, 14-19 and 20 are not persuasive. The sliding block 4 of Murofushi et al. moves with the door 1 when the door is in the fully opened position. As set forth on lines 16-19 of column 8, the sliding block 4 is located at the front end side of the door 1 with the bend portion 38 pulled rearward a little. Thus, the sliding block 4 has to move with the door "a little" when the door is moved into its fully opened position in order to pull the bent portion rearward. See figures 6 and 9. The sliding block 4 does not move with the door for the entire movement of the door, but it does move with the door at the very end of the opening movement of the door.

With respect to the applicant's arguments concerning the motivation to combine the references of record, the examiner respectfully disagrees. The rationale to modify or combine the prior art does not have to be expressly stated in the prior art; the rationale may be expressly or impliedly contained in the prior art or it may be reasoned from knowledge generally available to one of ordinary skill in the art, established scientific principles, or legal precedent established by prior case law. *In re Fine*, 837 F.2d 1071,

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5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Since the applicant has failed to address the reasoning/rationale supplied by the examiner as to why the modification would have been obvious, the applicant's arguments are not persuasive.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGORY STRIMBU whose telephone number is (571)272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory J. Strimbu/
Primary Examiner, Art Unit 3634